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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 7317 of 2007

PETITIONER Chunendra Duhria, aged about 38 years, Asst. Teacher, s/o Shri Brajraj Ram, Tribal Welfare Govt. Primary School Basantpur Block Pathalgaon, Distt. Jashpur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Tribal Welfare Department & Education Department, D.K.S. Bhawan, Distt.Raipur (C.G).
2. Asst.Commissioner, Jashpur, Distt. Jashpur (C.G).
3. Block Education Officer, Pathalgaon, Distt. Jashpur (C.G).
4. Treasure, Account & Pension, Jashpur,Distt. Jashpur (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Somkant Yadav with Shri Akshay Yadavfor the petitioner.

Shri A.S.Kachhawaha, Govt. Advocate for the State/ respondents on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed D.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and***

another {2006 (II) MPJR-CG 96}. He submits that his case is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subject to verification regarding petitioner's such qualification.

Accordingly, the writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another* (Supra) subject to the verification of the facts as to whether the petifioner had acquired D.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

This petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Rao